

TOWN COUNCIL
Town of Trumbull
CONNECTICUT
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TOWN HALL
Trumbull

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LEGISLATION & ADMINISTRATION COMMITTEE
MINUTES
June 27, 2011

Chairwoman Suzanne Testani called the regular Legislation & Administration Committee meeting to order at 7:00 p.m. All present joined in a moment of silence and the pledge of allegiance.

Members present: Chairwoman Suzanne Testani, Vice-Chairman Jeff Jenkins, Chadwick Ciocci, Mark Altieri and Kristy Waizenegger.

Members Absent: Michael Rappa.

Also Present: Chief of Staff Daniel Nelson, Town Council Chairman Carl A. Massaro, Jr., Golf Commission Chairman Mr. Ron Dray, Chief of Police Thomas H. Kiely, Officer Jay Leos, Town Engineer Stephen M. Savarese and Town Clerk Suzanne Burr-Monaco.

Moved by Mr. Ciocci, seconded by Mr. Jenkins to take Resolution TC23-173 as the first item of business and to take Resolution TC23-171 as the last item of business.

VOTE: Motion carried unanimously.

1. RESOLUTION TC23-173: Moved by Mr. Ciocci, seconded by Mr. Jenkins.

BE IT RESOLVED, that the Agreement for Golf Course Management at Tashua Knolls between the Trumbull Golf Course Commission and ATK Golf Services, Inc. is hereby approved.

Mr. Dray Chairman of the Golf Commission explained after evaluation of the golf course and its operations it was determined that a General Manager position was not needed; a Director of Golf was more suitable. The current General Manager would serve as the Director of Golf.

Mr. Nelson stated that the Golf Commission is meeting this evening and would be voting on the agreement this evening.

Mr. Dray explained the Golf Commission had unanimously voted to abolish the General Manager position and would expect the commission to approve the agreement. The salary reduction is \$35,000. There are no services being eliminated and no people are being cut. The salary was established with the agreement with the Golf Director. The restriction on giving golf lessons had been lifted the money.

In response to Ms. Waizenegger, Mr. Nelson confirmed that the salary is determined by the commission.

In response to Mr. Altieri, Mr. Dray stated that the agreement includes all of the stipulations the previous agreement with some modifications, approximately 90% of the responsibilities have remained the same.

In response to Ms. Waizenegger, Mr. Nelsons explained that both parties are in agreement that upon ratification by the Town Council the contract will go into effect July 1, 2011. It is a five (5) year agreement; the original contract was due to expire June 30, 2013. Mr. Dray stated that the agreement has been extended by 2 ½ years to 2015.

Ms. Waizenegger cautioned that the agreement's language does not include termination clause of the current contract. Mr. Dray stated the language could be added and will bring the suggestion to the Golf Commission.

Mr. Nelson suggested that the language, "WHEREAS the previous ATK agreement is no longer in effect as of this date, _____, 2011, parties hereby agree to". Mr. Nelson will confer with the town attorney on the specific language of the clause.

Moved by Ms. Waizenegger, seconded by Mr. Ciocci to send Resolution TC23-173 without recommendation pending the Golf Commission vote.

VOTE: Motion carried unanimously.

2. RESOLUTION TC23-165: Moved by Mr. Altieri, seconded by Mr. Jenkins.

BE IT RESOLVED AND ORDAINED, That Chapter 19 Utilities, Article II Sewers and Sewage Disposal of the Trumbull Municipal Code is hereby amended to include Division 4, a municipal ordinance on the Discharge of Fats, Oils, and Grease in the Town of Trumbull.

Town Engineer Mr. Savarese, acting as the Sewer Administrator was present. The DEP does not have the staff to enforce their general permits; they have the municipalities do so, therefore they have passed the permit onto the Town. Businesses that use the sewers for a class 3 or class 4 preparation establishments will be affected; ultimately this program is to protect Long Island Sound, by preventing fats, oils and grease to enter and clog the sewer pipes resulting in discharge problems and/or damage to the Bridgeport treatment facility. This ordinance speaks to pretreatment of solid materials. There are nominal fees associated for inspection and reporting services mandated by the DEP. The attorney worked with the state model and the Trumbull Monroe Health District to create this ordinance. In order to be in compliance with the DEP permit the ordinance needs to be on the books by July 1, 2011.

Mr. Savarese stated that the State would accept that the Town has made their best effort to be in compliance by July 1, 2011.

The committee stated that the ordinance has come to them with material changes since last month's public hearing; therefore a public hearing would be necessary. Mr. Nelson explained the original version was a preliminary model provided by Atty. Kokenos, the ordinance before the council is much more extensive.

Mr. Savarese explained that the fees would go to the WPCA Enterprise to defray associated costs related to the inspection of the sewers.

In response to Mr. Ciocci, Mr. Savarese confirmed that regionally there had been issues with clogging of a forced main and gravity lines, which is what prompted the DEP's action. To date the Town does not have an ordinance on the books with regards the fats oil and grease. Mr. Savarese has served as the Sewer Administrator for two (2) years and has had this type of event happen once.

Ms. Waizenegger stated that the town has a policy with regard to this and would expect moving forward with the ordinance there would be a similar experience. Mr. Savarese stated that most all of the businesses in town are already in compliance. The ordinance had been considered and approved by the WPCA at their last meeting.

In response to Mr. Altieri, Mr. Savarese explained that the DEP mandates the ordinance be in place by July 1, 2011 although our local government meets the first Monday of the month with the exception of a holiday, therefore this month the local government will meet July 7, 2011. The State will see that the Town is showing an effort to be in compliance of a non-funded mandate.

Moved by Mr. Altieri, seconded by Mr. Jenkins to send RESOLUTION TC23-165 without recommendation pending a public hearing to be held on July 7, 2011.

VOTE: Motion carried 4-1 (Against: Ciocci).

Mr. Savarese submitted the fee schedule the WPCA had approved. (See Attached).

3. RESOLUTION TC23-172: Moved by Mr. Jenkins, seconded by Ms. Waizenegger. BE IT RESOLVED, That the Planning & Zoning Commission Fee schedule is hereby amended.

Mr. Nelson stated that the fee structure was based upon Westport's Planning and Zoning.

There are three additional fees being added to the existing P&Z Fee schedule

1. \$100 fee - Pre application/Preliminary Reviews.
2. \$100 fee - Extensions of Time.

The proposed \$100 fees are to cover the cost of noticing these two types of public notices

3. \$180 fee - First Cut (also known as free cut)

The \$180 fee will cover the Town's cost for processing requests.

The three fees discussed at this meeting represent the amendment to the existing P&Z fees.

VOTE: Motion carried 2-1-2 (Against: Waizenegger) (Abstention: Ciocci and Altieri)

There will be a public hearing held on this resolution at the July 7, 2011 Town Council meeting.

4. RESOLUTION TC23-174: Moved by Ms. Waizenegger, seconded by Mr. Altieri. BE IT RESOLVED, That the Town of Trumbull may enter into with and deliver to the United States Department of Homeland Security any and all agreements and documents necessary for the Port Security Grant Program; and

BE IT FURTHER RESOLVED, that Timothy M. Herbst, First Selectman of the Town of Trumbull, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Trumbull for the Port Security Grant Program.

Chief Kiely explained that Town of Trumbull is one of fourteen municipalities that border Long Island Sound; in the total scheme of emergency management Trumbull is considered part of Bridgeport. Bridgeport has a deep water port; this grant will provide equipment for our scuba team.

In response to Ms. Testani, Chief Kiely confirmed that the Department does have the properly trained personnel; the scuba team trains monthly. The grant will provide dry suits and various other pieces of equipment.

Officer Leos added that the equipment provided by the grant will give our town's divers more comfortable and safer equipment. As members of the port security group the Department has an obligation to supply a sea bird vessel. This vessel is capable of detecting chemical, biological, radiological and nuclear IED's. Included in this grant are two (2) types of sonar. The side-scan sonar is towed along side the boat and detects items that the divers need to investigate, (i.e. during a ferry recovery operation with multiple victims in the water). The second sonar is the sector sonar which allows the divers to tag the area before the diver enters the water. This will provide the divers a perfect picture of what the area looks like under the water and will pick up any hazards in the area for the divers to be aware of, steering the diver to the target and giving the diver additional security. This grant will allow the Department to support their obligation to the harbor and to the Town. The grant would not be awarded until September 2011.

VOTE: Motion carried unanimously.

5. RESOLUTION TC23-175: Moved by Mr. Ciocci, seconded by Mr. Jenkins.

BE IT RESOLVED, That \$3,256 from the Unrestricted Fund Balance to Town Clerk - 01013600-522204 - Service Contract Account is hereby appropriated.

Town Clerk Ms. Burr-Monaco explained that this resolution is a contractual obligation based upon the number of documents that are recorded at the Town Clerk's office. There have been more documents recorded than anticipated.

In response to Mr. Altieri, Mr. Nelson confirmed that this resolution had been approved by the BoF and further explained that some of the documents recorded were liens.

Ms. Burr-Monaco stated there had been approximately 2,000 liens recorded recently. There was one fire tax district that had not filed their liens in over four years, the Town Clerk's office received 600 of their 2007 & 2008 liens last week and are expecting 2009 & 2010 soon. The liens are supposed to be filed yearly. In addition to those 600 liens there was an additional 400 sewer use liens received last week. The office receives and records real estate tax liens. The Tax Collector office receives \$24.00 per lien; the Town Clerk's office receives zero credit for recording them.

VOTE: Motion carried unanimously.

6. RESOLUTION TC23-171: Moved by Ms. Waizenegger, seconded by Mr. Ciocci.

BE IT RESOLVED, That the Town Council of the Town of Trumbull hereby approves as amended proposals for a revision of the Charter of the Town, as provided and permitted by Connecticut General Statutes Section 7-191 and the Charter of the Town of Trumbull; and

BE IT FURTHER RESOLVED, That the questions of having a general Charter revision shall be submitted to the electors of the Town of Trumbull for adoption or rejection at the regular municipal election scheduled for the 8th day of November, A.D. 2011; and

BE IT FURTHER RESOLVED, That the Town Clerk is hereby authorized and directed to give such notice as required by law of such ballot questions at the regular municipal election, and of the registration of electors entitled to participate therein.

The Chair called a recess at 7:45 p.m.

The Chair called the meeting back to order at 7:49 p.m.

The Chair stated that Committee would discuss and vote on the top five (5) issues and then proceed chapter by chapter.

1. Four-Year Term:

The Chair requested discussion on the question of expanding the expanding the First Selectman's term to four years.

Ms. Waizenegger stated personally she does not support the term but is support of placing the question on the ballot.

Mr. Altieri stated that he was against the expansion of the term noting that he takes to heart the concerns of the majority of the Charter Revision Commission that their acquiescence of

the idea of the four year term came replete with a balance with some of the other revisions of the Charter.

Mr. Ciocci stated he was against the four year term and is opposed to putting it on the ballot. Expanding the term will inheritantly expand influence and does not think it is a safe question to put on the ballot. Mr. Ciocci also spoke against an amendment to the way the Town Council is elected and its composition; since the majority of this committee is against the amendment the first selectman's term should not be revised.

Mr. Jenkins stated that he was in favor of the four year term based upon the Town Council make-up and term staying as it currently is. Mr. Jenkins spoke in favor of expanding the term based upon reduction of campaign time and is not in favor of the Town Council at-large revision.

Ms. Testani is in favor of the four year term and giving the voters a voice to decide. The expansion of the term will allow more time for the first selectman to accomplish goals; noting that with a 2-Year term, 1 ½ years into the term the first selectman is preoccupied with a campaign. There were insightful comments made at the last Town Council meeting with regard to the fact that if you are a good first selectman that there is not a need to campaign. Ms Testani stated that the Town's campaigns are aggressive and the first selectmen historically do campaign.

Mr. Ciocci stated that when a term is expanded, especially the First Selectman's it makes them more influential with boards and committees. The expansion of the term would cut the voters choice in half the choice, speaking in favor of the two year term as the necessary balance. Mr. Ciocci stated that he was not against the expansion of the terms of the Town Clerk and the Treasurer noting that expansion of terms of those two offices would only make them better at the jobs. Mr. Ciocci added that it is disingenuous to vote for the First Selectman for four years and to vote against him at the Council level as a counterweight to his performance as First Selectman.

Ms. Waizenegger stated that she is not in favor of the four year term but does support it going on the ballot as a question for the voters to decide.

Mr. Altieri stated he was in agreement with Mr. Ciocci, noting that the people will be speaking half as much of the time with a four year term. If the people are not in favor of the First Selectman's performance they should be able to vote the First Selectman out of office speaking against voting the Town Council out as a counter weight to the first selectman 4-year term.

Mr. Massaro clarified that the committee is voting on a recommendation to the Town Council as to whether to put a question on the ballot or not. It does not have to reflect the committee members' personal opinion, only to reflect whether the question should be placed on the ballot. The council as a whole will decide what will go on the ballot. The question and discussion of tonight is whether the revision should be placed on the ballot as a question.

Mr. Altieri stated he is uncomfortable putting this question on the ballot because all of the CRC members had said they were uncomfortable putting the question on the ballot without the inclusion of certain checks and balances.

The Chair called the question of whether to place the question of expanding the First Selectman from two years to four years on the ballot in November of this year?

VOTE: Carried 3-2 (Against: Altieri and Ciocci)

2. At-Large Town Council Seats:

To place the Town Council At-Large revision of the candidates on the ballot?

Mr. Altieri spoke against this question being placed on the ballot. The current structure allows for a 2/3 majority at most, the structure proposed provides a provision for a super majority; this would not be change for the better.

Ms. Waizenegger spoke against this question being placed on the ballot based upon the fact that she has not heard a compelling case to change the town council make-up and believes the town council composition functions fine as it is.

Mr. Ciocci agreed with Ms. Waizenegger's comments and is against adding this as a question on the ballot.

Mr. Jenkins is not in favor of this revision and noted that the structure as it is now is 21 members and questioned when the redistricting does occur how would that effect the town council's make-up?

Mr. Altieri stated that the districts reduction to five is not mandated. It would be possible to keep the seven districts.

Ms. Testani spoke against this revision noting that it would cause unnecessary confusion for the voters especially the seniors.

VOTE: Failed 0-5 (Against: Testani, Ciocci, Waizenegger, Jenkins and Altieri).

3. Board of Education

The Chair noted that the BoE does have to change by law.

Mr. Jenkins stated that he would be in favor of a 9-member board with two year terms, not staggered.

Mr. Ciocci stated that he would be in favor of two year terms and is not in favor of a 9-member board. 9 members may increase bureaucracy and is concerned that increasing the board to 9 members could ultimately increase spending based on promises of certain programs during the campaign process.

Mr. Altieri stated that the seventh seat does need to be fixed. Mr. Altieri is in favor of a 7-member board with all two year terms. The current BoE has been recognized state wide as one of the better boards.

Ms. Waizenegger has not heard a compelling argument for the 9-member board and is in favor of leaving the board at 7 members with two year terms for all.

Mr. Ciocchi stated that he would have liked the Town Council to have been reduced by a third. The BoE is a body that has control of the majority of the Town's budget and has control over the lives of a significant portion of the people of the town. The children spend the majority of their day in schools run by the school system. It is paramount of importance that voters have the ability to over turn the board as they do with other boards. Frequent turnover keeps elected officials accountable.

Ms. Testani is in favor of the BoE two year term and is in favor of the 9-member board. and is in favor giving the people more say on how the BoE money is spent. The BoE's committee work is intense, adding two more people would benefit the board.

The Chair agreed all present agreed a change has to be made to the BoE with regard to the 7th seat.

Mr. Ciocchi suggested breaking the vote into to the three questions as follows:

BoE all two year terms?

VOTE: Carried unanimously.

BoE 7-member board?

VOTE: Carried 3-2 (Against: Jenkins and Testani)

BoE 9-member board?

VOTE: Failed 2-3 (Against: Waizenegger, Altieri and Ciocchi).

4. Capital Expense Bonding Referendum

Mr. Jenkins read and reviewed with the committee Chapter VIII, section 7 page 3 of the draft. This section of the current Charter is on page 42.

Ms. Testani stated she was in favor of the Capital Expenditure Referendum.

Mr. Ciocchi is in favor of the Capital Expenditure Referendum the voters' ability to go to referendum and the voters' ability to challenge is of paramount importance.

Ms. Waizenegger is in favor of the bonding referendum and placing the question on the ballot.

Mr. Altieri is in favor of the capital referendum with the following caveat:

If the required amount of signatures were reduced then a high threshold of voter turnout would have to be necessary, this equilibrium needs to be in place. Mr. Altieri spoke against a minimum number of signatures along with the minimum number of voter turnout in place.

Mr. Jenkins agreed with Mr. Altieri's summation, not having a small number of voters determining the referendum.

Mr. Ciocchi stated that he would not concur with Mr. Altieri.

Ms. Waizenegger stated with regard to a minimum number to voter turnout that if a person has a vote they should exercise that vote and is an obligation to do so.

Mr. Jenkins agreed that the people should have a say, all present were in agreement.

Capital Expenditure Bonding Referendum on the ballot?

VOTE: Carried 4-0-1 (Abstention: Altieri).

5. Budget Referendum – CPI Formula

Mr. Ciocchi stated that the formula is complicated and is not sure if CPI is a wise formula to use. CPI brings actual inflation lower than it really is. Mr. Ciocchi agrees with the one-shot referendum and not going to multiple referendums.

Mr. Jenkins stated that he agrees with Mr. Ciocchi's comments with regards to the CPI being complicated but spoke in favor of allowing the people the opportunity to placing the question the budget.

Ms. Waizenegger stated that the current Charter does give the people an avenue to question the budget and has not heard a compelling argument to change this section.

Mr. Altieri is opposed to this proposed referendum and the use of any formula. Mr. Altieri spoke against the one-shot referendum. You either believe in the budget referendum process or not. The current provision in the Charter has worked only once; the current provision may need to be lowered.

Ms. Testani stated that she is divided on this question, she does not understand the formula concept, but is in favor of the people having a say on the \$140 million budget. Ms Testani will abstain on this item.

Mr. Massaro stated the Town Council is in a position to make recommendations to the Charter Revision Commission if a recommendation is not made the Commission will not have any guidance from the Town Council. The Town Council will then have no recourse to modify the document once they have received it.

Mr. Altieri stated the Town Council could take it, leave it or take the document in part.

The L&A Committee agreed to break the question into parts to be able to give the CRC guidance.

Mr. Massaro stated that this referendum proposal is very different from what currently is in the Charter. The current budget referendum has limitations which empowers the work of the First Selectman, the Board of Finance and the Town Council. This proposes a cap on spending, which is very different from the existing referendum in the Charter.

The Committee explained that the cap is based on a formula and no one in favor of the formula.

Mr. Jenkins stated that there is not a proposed alternative to the CPI.

Mr. Altieri spoke against a formula in the Charter.

The Chair called the following questions:

In favor of the CPI as a threshold?

VOTE: Failed 1-3-1 ((Against: Waizenegger, Altieri and Ciocci) (Abstention: Testani)

10% reduced to 5% voters of last municipal election?

Mr. Altieri stated that he would be in favor of the 5% but would want a provision for a minimum voter turnout, (i.e. if the referendum could be initiated with 250 people and there were 5,000 people who had voted in the last municipal election then there should be a minimum of 1,500 voters to come out).

Mr. Massaro stated with regard to minimum voter turnout there is the possibility if a voter is opposed that the voter would not go out to vote.

Mr. Altieri spoke in favor of the minimum voter turn out.

The L&A Committee discussed possible percentages to suggest and decided that this committee did not need to establish the minimum percentage.

VOTE: Carried unanimously as long as there is a reasonable minimum voter turn out percentage.

Referendum as a one-shot referendum?

VOTE: Carried 3-2 (Against: Waizenegger and Altieri)

Mr. Altieri stated that there had been a suggested question provided by the CRC with regard to accepting all of the proposed changes in the Charter suggesting that question as too broad, recommending the option of accepting all of the required statutory changes.

Definitions-

Days - page 3: The L&A Committee agreed the global definition of days needs to be revisited.

Discussion: Some of the days do need to be defined as calendar days since they are defined as such under FOI. If there was to be a referendum the definition as business days would extend the referendum too long..

Mr. Ciocci suggested the definition of days to read as, “business days, except where it is contrary to state law”.

Mr. Altieri stated that less of a definition in this case is beneficial.

The L&A Committee agreed the global definition of days needs to be revisited.

Chapter II - Legislative Branch –

Section 7. Emergency legislation and appointments - The L&A Committee unanimously recommended this language be clarified.

Discussion: The L&A Committee agreed with the concept of this section but the language is too ambiguous explaining the placement of the word “and” and the word “emergency” implies emergency to both.

The L&A Committee unanimously recommended this language be clarified.

Chapter II Executive Branch- The L&A Committee agreed to delete subsections (i), (j), (k), (l), (m), (n).

Discussion- Page 1 & 2: The L&A Committee agreed (i), (j), (k), (l), (m), (n) to be deleted from the draft. Mr. Jenkins stated that he was not in favor of deleting (i), (m) and (n).

Section 3. Absence, disability, vacancy, etc. - The L&A Committee suggested No Change.

Discussion: The L&A Committee agreed as a whole the successor should be a resident and an elected official.

Mr. Altieri suggested the Town Council Chairman and Treasurer in that order.

Mr. Massaro stated that having the Town Council Chairman as an interim successor could be a conflict of interest based on the fact the council is a legislative body and would then be acting as the Executive Branch resulting in another change at the council level.

The L&A Committee concluded this section needed no change.

Section 6 B. - Page 3 – The L&A Committee suggested No Change.

The addition of the language “including all special agency and enterprise funds”.

Discussion: Mr. Altieri spoke against including all of the special agency accounts, especially some of the smaller accounts, such as the flower sale proceeds.

Ms. Waizenegger stated that these accounts are currently not subject to a certain level of scrutiny.

Ms. Testani spoke in favor of the addition of language.

Mr. Massaro stated this section adds in writing the Finance Department's ability to review.

Mr. Altieri suggested defining which special agency accounts not all inclusive of the smaller volunteer fundraising accounts.

Ms. Testani is in favor of this language. The language allows for all accounts that need to be looked at could be looked at.

Mr. Jenkins spoke in favor of leaving the language in.

The L&A Committee agreed not to change the proposed language and to keep as it is written in the draft - "including all special agency and enterprise funds".

Section 6. B., paragraph 4 - The L&A Committee agreed unanimously to the following change:

The addition of the following language, "*to make available*" after the phrase "*(including those departments managed by the First Selectman as well as Board of Education)*" to clarify that the chairman is not responsible for posting but is responsible to "make available" to the employees of the town who is responsible for posting such documents to the website.

Section 6. D. Treasurer – During a discussion which takes place further into this meeting the L&A Committee agreed the 4-Year of the Treasurer should be placed on the ballot as a question. The First Selectman, Town Clerk and Treasurer terms should be the same.

Discussion: At this point in this meeting the L&A Committee agreed to change the term to 2 years.

During a discussion which take place further into this meeting during the discussion of the section of Town Clerk the L&A Committee agreed the term of the Treasurer to be placed on the ballot as a question of 4 years.

Mr. Ciocci requested during that discussion to go on record as being in favor of the Treasurer's term as a 2-Year Term.

Section 6. E. (a) - The L&A Committee suggested No Change.

The L&A Committee agreed the addition of the language represented separation of duties and concluded this was important.

Section 6 G. (a) –Purchasing contracts and expenditures - The L&A Committee suggested No Change.

Discussion: Mr. Altieri spoke against the Town Council as a legislative body approving policy noting that this goes beyond the scope of the charter.

The consensus of the L&A Committee was to leave the language addition as proposed by the CRC in Section 6. G (a).

4-1 (Against: Altieri)

Section 6 G. (f) page 6 – The L&A Committee unanimously agreed that (f) should be deleted.

Discussion: Mr. Ciocci explained the subsection’s intention as: if a particular department is funded with a certain amount that is meant to be spent over the course of a fiscal year, said funds can not be spent down in a month’s period and then allowed to come before the board for a special appropriation.

Mr. Altieri noted snow removal, leaf pick-up, street sweeping are all exceptions.

The Chair stated the clause includes the word “emergencies”, snow removal could be considered an emergency.

The L&A committee agreed this was an unenforceable clause.

The L&A Committee agreed that (f) should be deleted.

Section 6. (g.) Bid Waiver – The L&A Committee unanimously agreed that this subsection needs clarification as to whether it should go to the BoF first or if it currently goes to the BoF.

Discussion: Mr. Massaro stated that he did not remember the town Council ever having voted on a bid waiver; this provision would require the Town Council’s approval.

The L&A Committee agreed this was a positive provision and questioned if the BoF had been excluded from the process or whether bid waiver currently go to the BoF for approval.

Mr. Altieri spoke against excluding the BoF from the approval process

The L&A Committee agreed that this subsection needs clarification as to whether it should go to the BoF first or if it currently goes to the BoF.

Section 6. (h) – The L&A Committee unanimously agreed an emergency provision should be included/added to this subsection.

Section 7. Town Clerk – The L&A Committee agreed to place the 4-Year Town Clerk term as a question on the ballot.

Discussion: The L&A Committee agreed that Town Clerk 4-Year Term should be placed on the ballot as a question. They had previously decided that the Treasurer term should be

changed to a 2-Year Term. After consideration of this section that have reversed that decision.

Mr. Altieri stated this position as well as the First Selectman and Treasurer should be a 2-Year term as the BoE and Town Council have been decided to be so at this meeting.

Mr. Massaro stated the Charter draft has included 4-Year terms proposed for the Executive offices and questioned if the L&A Committee would address the Executive office terms separately?

After consideration the L&A Committee agreed 3-2 (Against: Altieri and Ciocci) to the Town Clerk Term of 4-Years to be placed on the ballot as a question.

Mr. Ciocci requested at this time to go on record that he is favor of a 2-Year Term for the Treasurer.

Ms. Waizenegger asked for clarification of whether Mr. Ciocci wanted to go on record for a 2-Year Term just for the Treasurer or all of the Executive offices? Mr. Ciocci stated all of the Executive offices.

Ms. Waizenegger stated that she is not in favor of the 4-Year Terms but in terms of putting the question on the ballot for the voters to decide, she is in favor.

The L&A Committee agreed 3-2 (Against: Altieri and Ciocci) to the Town Clerk Term of 4-Years to be placed on the ballot as a question.

Section 12. C. – Department of Public Works – The L&A Committee agreed unanimously that the first line, “*The Director of Public Works shall have (5) year’ experience as a director or deputy director of public works or the equivalent*” should be deleted.

Discussion: Ms. Waizenegger stated that this is not consistent with modern day, to go by titles and not skill sets is a mistake.

Mr. Altieri stated this too finite of an applicant.

The Chair agreed.

Mr. Jenkins stated that the first line contradicts the next line.

The L&A Committee agreed unanimously that the first line, “*The Director of Public Works shall have (5) year’s experience as a director or deputy director of public works or the equivalent*” should be deleted.

Conservation Commission - The L&A Committee agreed by unanimous consent to the addition of the Conservation Commission to the Boards and Commissions section of the Charter Draft.

Discussion: Mr. Massaro stated that the ordinance would need to be eliminated if the Charter Revision is adopted with the inclusion of the Charter Revision Commission.

Section 12. G. Tree Warden – The L&A Committee agreed to delete the language, *“The Tree Warden can not have a financial interest in the tree work to be performed on behalf of the Town”*.

Discussion: Mr. Altieri questioned the addition of last line of this section, *“The Tree Warden can not have a financial interest in the tree work to be performed on behalf of the Town”*.

The committee explained that the Tree Warden’s company is performing the work currently.

Ms. Waizenegger stated that there may be a conflict of interest.

Mr. Jenkins stated that this is blatant conflict of interest.

The L&A Committee referred to the Code of Ethics, noting that the appearance of impropriety should be enough.

Ms. Waizenegger stated that the Charter should not have to address an ethics issue; this should be addressed under the Code of Ethics.

Mr. Altieri spoke in favor of deleting the addition of language.

The L&A Committee agreed to delete the language, *“The Tree Warden can not have a financial interest in the tree work to be performed on behalf of the Town”*, 4-1 (Against: Jenkins).

The L&A Committee discussed adding additional language in lieu of the line which they had agreed to delete.

The Chair referred to the Code of Ethics and read Section 6 – Conflict of Interest into the record.

Mr. Jenkins stated that the Tree Warden is not an officer or an employee of the town he is under contract, therefore this section of the Code of Ethics may not apply.

Mr. Massaro stated that the Code of Ethics requires disclosure.

Mr. Jenkins stated that this has been abused in the past.

Section 16 -Department of Economic and Community Development – page 10. - The L&A Committee agreed to delete the line that read as, *“The First Selectman shall have the discretion to appoint a Director of Economic and Community Development for a term coextensive with that of the First Selectman”*.

Discussion: Mr. Altieri stated that this section continues to increase the staff of the First Selectman. There should be an applicant process and should come before the council as an agreement for approval.

Ms. Waizenegger stated that it should not be an appointed position by the First Selectman.

The Chair stated that the agreement had previously come before the council and that the council did in fact change some of the provisions within the agreement.

Mr. Jenkins spoke in favor of the appointment of the Director noting that from the point of view of the First Selectman this is a very important position.

Mr. Altieri noted that the Chairman of the Commission had come before the committee at the public hearing and had requested a liaison.

Mr. Ciocchi stated that businesses may not be comfortable working with an appointed Director of Economic Development that may change in a two-year period.

Mr. Altieri agreed with Mr. Ciocchi.

The L&A Committee agreed to delete the line that read as, “The First Selectman shall have the discretion to appoint a Director of Economic and Community Development for a term coextensive with that of the First Selectman” 4-1 (Against: Jenkins)

The L&A Committee discussed the request of the liaison by the Chairman of the commission, all agreed that would fall under the P&Z section as the Chairman had presented at the public hearing.

Section 17 – Director of Labor Relations – The L&A Committee unanimously agreed to delete this section.

Discussion: Mr. Altieri spoke against the addition of this whole section and the fact that this is another appointed position, noting there are too many proposed appointed positions.

Mr. Ciocchi agreed and spoke in favor of eliminating this section.

Mr. Jenkins agreed that it appeared that there are many proposed appointed positions and that if the position is needed the first selectman could request the council’s approval of position.

The L&A Committee unanimously agreed to delete this section.

Chapter IV Adopting the Annual Budget – section 2. Duties of the Board of Finance B. - The L&A Committee agreed to no change to the section.

Discussion: With regard to the addition of the language, “as well as the Town’s website”:

Mr. Altieri spoke in favor adding the phrase “to make available.”

After consideration and discussion the L&A Committee agreed the word “cause” was the same as “to make available”. It was Mr. Altieri’s concern that the Chairman or the Board would be held responsible for posting the budget on the website when in fact it is an employee of the town that handles the actual posting on the website.

The L&A Committee agreed no change to the section.

Section 3. B. (i) - The L&A Committee will wait to discuss this section until after the Charter Revision has submitted their recommendation.

Discussion: Mr. Massaro stated with regard to B (i) and (ii) it is necessary to refer back to page 1 the First Selectman’s veto power section. The Charter Revision is working on this section at a meeting which is taking place at the same time as this meeting.

The L&A Committee will wait to discuss this section until after the Charter Revision has submitted their recommendation.

Chapter V – The L&A Committee suggested no change to this chapter.

Chapter VI – The L&A Committee suggested no change to this chapter.

Chapter VII – Boards and Commissions

Section 1. Board of Finance- The L&A Committee suggested no change to the section.

Discussion: Mr. Altieri questioned if this was to make clear who the auditor reports to the Board of Finance and whether that would run counter to the Town Council’s ability to hire an auditor at any time?

Mr. Massaro stated that it would not run counter to council’s audit powers adding that it was his statement to the CRC that council should have all of the audit powers if not more than the BoF. This is the internal auditor the BoF always hires the internal auditor. This language sets it in stone as to who the internal auditor reports to.

The L&A Committee suggested no change to the section.

Section 2. Board of Assessment Appeals - The L&A Committee suggested no change to the section.

The addition of an alternate member.

Discussion: Ms. Waizenegger stated this had been previously discussed – it was necessary because there are times when a member may appeal their own matter or that they may have to recuse themselves.

Mr. Massaro added that it also had to do with the revaluation.

The L&A Committee suggested no change to the section.

Section 3. Board of Education - The L&A Committee suggested no change.

Section 4. Library Board - The L&A Committee suggested no change to the section.

Section 5. Planning & Zoning Commission – The L&A unanimously suggested the addition of the liaison per the Economic and Development’s statement at the public hearing.

Discussion: The L&A committee discussed that the suggestion of the Chairman of the Economic and Development Commission of the addition of a liaison had been conveyed to the CRC by this committee previously.

The Chair stated that Mr. Abraham, Chairman of the Economic and Development Commission made a compelling argument for the addition.

The L&A unanimously suggested the addition of the liaison per the Economic and Development’s statement at the public hearing.

Section 7. Inland Wetlands and Watercourses Commission - The L&A Committee suggested no change to the proposed section.

Discussion: Mr. Altieri stated that the addition would reflect the proper name of the Commission.

The L&A Committee suggested no change to the proposed section.

Section 8. Police Commission – The deletion of the language, “*All promotions in the department shall be made from within the Department except that the appointment of a Chief of Police may be made from within or without the Department*” - The L&A Committee unanimously agreed further clarification from the Trumbull Police Department was necessary.

Discussion: Mr. Altieri spoke against the deletion of the line.

The Chair stated that the Department is already handling promotions.

Mr. Altieri stated that this deletion broadens the commission’s power.

Mr. Ciocchi stated that by not eliminating it the line it would further limit the search.

Mr. Altieri stated you do want promotions from within; you want your rank and file police officers to attain a certain level.

Mr. Jenkins stated the deletions would allow broadening the search.

Mr. Ciocci stated the language even with the deletion still allows for promoting from within.

Ms. Waizenegger stated that by eliminating the line it does change how the department promotes.

Mr. Ciocci and Mr. Jenkins stated that by removing the line it broadens the choices and you can still hire from within.

Mr. Altieri stated that it is too broad for the commission to have that option.
Mr. Ciocci spoke in favor of the deletion.

The L&A Committee unanimously agreed further clarification from the Trumbull Police Department was necessary.

Section 9. Board of Health- The L&A Committee suggested no change to the proposed draft.

Section 10. Economic and Community Development Commission.-
Previously discussed.

Section 11. Park and Recreation Commission - The L&A Committee agreed unanimously that the word "*Park*" in the title of the Commission should read as, "*Parks.*"

Discussion: In response to a question raised by Ms. Waizenegger, Mr. Massaro stated the 06-20-11 minutes of the joint meeting of the L&A and CRC stated that both commissions were in agreement.

All agreed unanimously that this is a good change although the word Park should read as "Parks."

Section 12. Golf Course Commission - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 13. Water Pollution Control Authority - The L&A Committee did not give a consensus on the section other than statutory compliance.

Discussion: Ms. Waizenegger stated that the WPCA had not been discussed with the CRC to date.

The L&A Committee did not give a consensus on the section other than statutory compliance.

Section 14. Housing Authority -The L&A Committee agreed unanimously to no change to the proposed draft.

Civil Service Board- CRC Is currently reviewing the elimination of this board.

Discussion: Mr. Altieri spoke against the end of the Civil Service Board.

Ms. Waizenegger stated that Ms. Hanna of the CRC had raised an issue with regard to this board and the test procedure. The CRC was going to revisit the elimination of this board.

CRC is currently reviewing the elimination of this board.

Section 15. Pension Board - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 16. Ethics Commission - The L&A Committee agreed unanimously to no change to the proposed draft.

Discussion: The 45 days had been previously explained that the additional time was necessary.

Mr. Altieri stated that sometimes with ethics issues the additional time allows for the issue to dissipate.

The L&A Committee agreed unanimously to no change to the proposed draft.

Youth Commission had been stricken from the Charter - The L&A Committee agreed unanimously to no change to the proposed draft.

Discussion: The L&A Committee agreed that the commission had been absorbed by the Library and the Recreation Department.

The L&A Committee agreed unanimously to no change to the proposed draft.

Section 17. Arts Commission - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 18. Emergency Medical Services Commission - The L&A Committee agreed unanimously to no change to the proposed draft.

Section 19. Organizations of Boards, Commissions and Committees - The L&A Committee agreed unanimously to no change.

Section 20. Compensation

Section 21. Official Conduct

Section 22. Public meetings and records.

Chapter VIII - Electoral Process page 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12

Chapter IX. - All of the above the L&A Committee agreed unanimously to no change to the proposed sections and Chapters listed.

Discussion: Ms. Waizenegger questioned whether Recall had been deemed illegal by case law or statutory? Mr. Massaro stated it was illegal by case law.

Moved by Mr. Ciocci, seconded by Mr. Jenkins to send RESOLUTION TC23-171 to the Town Council without recommendation.

VOTE: Carried unanimously.

By unanimous consent the Legislation & Administration Committee adjourned at 10:21 p.m.

Respectfully submitted,

Margaret Mastroni
Town Council Clerk